

**COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION**

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PUBLIC SERVICE
COMMISSION

IN THE MATTER OF:

**MODIFICATION OF ATMOS ENERGY
CORPORATION'S GAS COST ADJUSTMENT
TO INCORPORATE PERFORMANCE-BASED
RATEMAKING MECHANISM (PBR)**

)
)
) **CASE NO. 2010-00353**
)
)

**MOTION FOR LEAVE TO FILE
ANNUAL PBR REPORT**

Comes now Atmos Energy Corporation ("Atmos Energy" or "Company"), by counsel and respectfully moves the Kentucky Public Service Commission ("Commission") for entry of an Order allowing the Company to file the enclosed Annual Report of Atmos Energy's Performance Based Ratemaking Mechanism.

Pursuant to the Commission's Order in Case No. 2010-00353, the Company is required to file annual reports on the results of its PBR program by August 31 of each year. Atmos inadvertently failed to file the annual report by August 31. This was the result of a miscommunication among personnel of Company. Processes have been instituted within the Company to assure that this does not happen again in the future. The failure to file was not intentional but the result of oversight and miscommunication.

Atmos files numerous reports on a regular basis with the Commission and believes that it has an excellent track record of timely filing required reports. The

Company regrets the oversight in this case and assures the Commission that all efforts are being made to assure that it does not occur in the future. Company apologizes to the Commission staff for any inconvenience this late filing may have caused.

Respectfully submitted this 29 day of September, 2012.



Mark R. Hutchinson
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(270) 926-5011

Douglas Walther
Atmos Energy Corporation
P.O. Box 650250
Dallas, Texas 75265

Attorneys for Atmos Energy

VERIFICATION

I, Mark A. Martin, being duly sworn under oath state that I am Vice President of Rates and Regulatory Affairs Kentucky Midstates Division for Atmos Energy Corporation, and that the statements contained in the foregoing Petition are true as I verily believe.

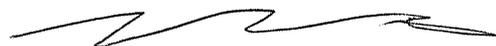


Mark A. Martin

CERTIFICATE OF SERVICE

I hereby certify that on the 21 day of September, 2012, the original of this Motion, together with eleven (11) copies, were filed with the Kentucky Public Service Commission, 211 Sower Boulevard, P.O. Box 615, Frankfort, Kentucky 40602, and a true copy thereof mailed by first class mail to the following named persons:

Lawrence W. Cook
Assistant Attorney General
Office of Rate Intervention
1024 Capitol Center Drive
Suite 200
Frankfort, Kentucky 40601



Mark R. Hutchinson

contains the quantitative results of Atmos' PBR program for the period of June, 2011 through May, 2012 and is filed in fulfillment of that requirement.

2. The Company's current gas supply contract is with a single source supplier, Atmos Energy Marketing, Inc. ("AEM"). It contains significant pricing discounts. In order to fully report to the Commission the results of the Company's current PBR program, disclosure of the discounts on gas purchases provided in the current supply contract is required. In order to protect the confidentiality of that information, not only must the discount themselves be redacted in the non-confidential version, but all information from which the discount could be calculated, must likewise be redacted. Since this information is both disclosed in, and determinable from, data appearing throughout the quantitative results contained in Exhibit "A", the entire Exhibit "A" has been redacted.

3. This type of information has been determined by the Commission in Atmos' prior PBR proceedings to be entitled to confidential protection. Nothing has occurred since the Commission granted confidential protection to this type of information that would now disqualify it from protection. The Company accordingly petitions the Commission to again treat this information as confidential.

4. Pursuant to 807 KAR 5:001, Section 7 (3), temporary confidentiality of the information sought to be protected herein should be maintained until the Commission enters an orders as to this Petition. Once the order regarding confidentiality has been issued, Western would have twenty (20) days to seek alternative remedies pursuant to 807 KAR 5:0001, Section 7 (4).

WHEREFORE, Company petitions the Commission to treat as confidential the information contained in the attached.

Respectfully submitted this 21 day of September, 2012.



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Mark A. Martin

CERTIFICATE OF SERVICE

I hereby certify that on the 21 day of September, 2012, the original of this Petition, with the Confidential Information for which confidential treatment is sought,

together with eleven (11) copies of the Petition without the confidential information, were filed with the Kentucky Public Service Commission, 211 Sower Boulevard, P.O. Box 615, Frankfort, Kentucky 40602, and a true copy thereof mailed by first class mail to the following named persons:

Lawrence W. Cook
Assistant Attorney General
Office of Rate Intervention
1024 Capitol Center Drive
Suite 200
Frankfort, Kentucky 40601



Mark R. Hutchinson



September 21, 2012

Jeff DeRouen
Executive Director
Kentucky Public Service Commission
211 Sower Blvd.
Frankfort, KY 40601

RE: Case No. 2010-00353

Dear Mr. DeRouen,

Atmos Energy Corporation (Company) herewith submits an original and ten copies of the annual PBR report to be in compliance with the Order in the above referenced case. Pursuant to Ordering Paragraph 5, the Company shall file annual reports of its activity under the extended PBR including the same information as contained in the report filed in the proceeding. These reports shall be filed by August 31 of each calendar year, commencing in 2011. The Company apologizes for the tardiness of this report and has put safeguards in place to insure timely filings in future periods. The Company has mirrored Exhibit A which was filed with the Company's renewal application. The Company is providing data from June 2011 through May 2012. Since the information contained is CONFIDENTIAL, the Company requests that the report be treated as TRADE SECRET. Please do not hesitate to call me at 270.685.8024 if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Mark A. Martin".

Mark A. Martin
Vice President – Rates & Regulatory Affairs

Enclosures

pc: Randy Hutchinson
Becky Buchanan

Atmos Energy Corporation
 Kentucky Division
 PBR Results (June 2011 - May 2012)

	<u>Commodity Discount</u>	<u>Transport Discount</u>	<u>Capacity Release</u>	<u>Total Monthly Savings</u>	PRELIM EST <u>Atmos KY Share</u>
Jun-11	\$ -	\$ -	\$ -	\$ -	\$ -
Jul-11	\$ -	\$ -	\$ -	\$ -	\$ -
Aug-11	\$ -	\$ -	\$ -	\$ -	\$ -
Sep-11	\$ -	\$ -	\$ -	\$ -	\$ -
Oct-11	\$ -	\$ -	\$ -	\$ -	\$ -
Nov-11	\$ -	\$ -	\$ -	\$ -	\$ -
Dec-11	\$ -	\$ -	\$ -	\$ -	\$ -
Jan-12	\$ -	\$ -	\$ -	\$ -	\$ -
Feb-12	\$ -	\$ -	\$ -	\$ -	\$ -
Mar-12	\$ -	\$ -	\$ -	\$ -	\$ -
Apr-12	\$ -	\$ -	\$ -	\$ -	\$ -
May-12	\$ -	\$ -	\$ -	\$ -	\$ -
2011-2012 Total	\$ -	\$ -	\$ -	\$ -	\$ -